IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.423 OF 2004
IN
WRIT PETITION NO. 1198 OF 1995

1. Shri Vishnu Maruti Ghosale
& ors. Applicants

vs.

1. The Appropriate Authority
(Under Income Tax Act) & ors. Respondents

Mr.Sagar Joshi i/b. Mr.S.S. Hardikar for the applicants.

Mr.R.Asokan i/b. Mr.H.D. Rathod for respondents 1 to 3.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 23rd September 2004

P.C.

We overrule the office objection since Mr.R.Asokan, advocate appears for the respondents. The service of the application upon the respondents is thus complete.

2. The petitioner no.2 has died. Though the application is belated, we are satisfied that delay in making application for substitution may be condoned.

3. We, accordingly, grant the application in terms of prayers (a) and (b). Prayers (a) and (b) read thus:

> "(a) To condone the delay of 7 years 5 months and 8 days in preferring the present application.
>
> (b) To take the names of the applicant Nos.

2-A to 2-C as heirs and legal representatives of the petitioner no.2 on record of Writ Petition No.1198 of 1995 by allowing the applicants to cause suitable amendment in the cause title of writ petition no.1198 of 1995."

4. Necessary amendment be carried out in the writ petition within two weeks from today.

5. Civil application stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)